IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.41202-M of 2006

DATE OF DECISION: OCTOBER 24, 2006

Dharambir and others

...PETITIONERS

VERSUS

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.Sachin Mittal, Advocate,
for the petitioners.
Mr.Partap Singh, Sr.DAG, Haryana.
Mr.Baldev Singh, Sr.Advocate
with Mr.Sudhir Sharma, Advocate,
for the complainant.

...

The petitioners have filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No.199 dated 9.6.2006 registered under Sections 323/325/452/506/34 IPC at Police Station Manesar, District Gurgaon.

I have heard the counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioners contends that in this case the offence under Section 452 IPC has been wrongly added as the alleged occurrence took place outside the house of the complainant. Counsel further contends that it is yet to be ascertained as to which party is the aggressor party. Counsel also contends that the only non-bailable offences in this case are under Sections 452 and 506 IPC. Counsel contends that in terms of the interim order dated September 8, 2006, the petitioners have joined the investigation. Counsel for the respondent-State does not dispute this fact.

In view of the above and for the reasons stated in the interim order dated July 18, 2006, the same is made absolute on the same terms and conditions.

This bail order shall remain in operation till the investigation culminates into filing of challan under Section 173 Cr.P.C. except for material change in the circumstances. Thereafter, the petitioners shall be entitled to the grant of regular bail by the trial Court and the same shall further continue till conclusion of the trial on the conditions to be imposed by the court of competent jurisdiction.

Disposed of accordingly.

October 24, 2006 (SATISH KUMAR MITTAL)
vkg JUDGE